

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

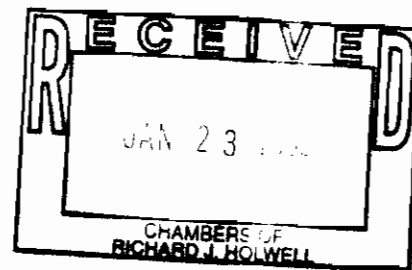
MORGAN STANLEY MORTGAGE
CAPITAL HOLDINGS LLC, AS
SUCCESSOR-IN-INTEREST TO MORGAN
STANLEY MORTGAGE CAPITAL INC.,

Plaintiff,

v.

FREMONT INVESTMENT & LOAN,

Defendant.



07 Civ. 09457 (RJH) (AJP)

ECF CASE

STIPULATION

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 1/28/08

**STIPULATION IN RESPONSE TO ENDORSED LETTER ENTERED
JANUARY 8, 2008**

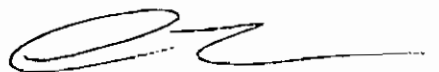
Subject to the approval of the Court, the parties hereby stipulate and agree to the following schedule:

- 1) Plaintiff, Morgan Stanley Mortgage Capital Holdings LLC, may file an amended complaint within sixty (60) days of the date of this stipulation;
- 2) Defendant, Fremont Investment & Loan, shall have twenty (20) days after service of the amended pleading to respond;
- 3) The parties shall exchange Initial Disclosures pursuant to Federal Rule of Civil Procedure 26(a)(1) within twenty (20) days after service of Defendant's response to the amended pleading; and
- 4) The parties shall meet and confer pursuant to Federal Rule of Civil Procedure 26(f) no

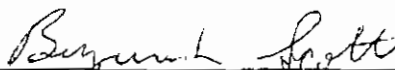
later than four (4) days from the date Initial Disclosures are exchanged.

Dated: January 22, 2008

Respectfully submitted,



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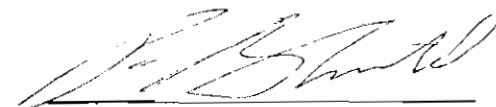
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SO ORDERED

Dated: New York, New York
January 22, 2008



Richard J. Holwell
United States District Judge

238641308

Cont for 03/14/08 canceled
New PTC set for 6/6/08 at 10:00 am